

Message Text

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FM AMEMBASSY MANAMA BAHRAIN
TO SECSTATE WASHINGTON DC PRIORITY 1805
INFO SECDEF WASHINGTON DC PRIORITY
CNO WASHINGTON DC
CINCUSNAVEUR LONDON UK
NAVY JAG WASHINGTON DC
COMIDEASTFOR
NCSO JUFAIR BAHRAIN

C O N F I D E N T I A L MANAMA 0081

E.O. 11652 : GDS
TAGS : MARR, BA
SUBJECT : MIDDLE EAST FORCE: JURISDICTION IN ROBERTS CASE

REF : MANAMA 019; STATE 28395

1. WE HAVE RECEIVED, AND PASSED TO COMMANDER MIDDLE EAST FORCE, GOB'S NOTE IN RESPONSE TO OURS (MANAMA 019) WHICH SPECIFIES AND AGREES TO CONDITIONS OUTLINED STATE REFTEL, AS FOLLOWS:

"1. THAT YDR. ROBERTS WILL REMAIN IN THE CUSTODY OF THE UNITED STATES NAVY, AVAILABLE AS REQUIRED TO THE AUTHORITIES OF BAHRAIN, UNTIL FINAL DISPOSITION OF THE CASE;

2. THAT IN EXERCISE OF JURISDICTION IN THIS CASE MR. ROBERTS WILL BE ENTITLED TO THE MOST FAVORABLE APPLICATION OF THE RIGHTS OF AN ACCUSED UNDER BAHRAINI LAW. THESE ARE UNDERSTOOD TO INCLUDE THE FOLLOWING:

- A) TO BE TRIED AS PROMPTLY AS POSSIBLE;
- B) TO BE INFORMED, IN ADVANCE OF TRIAL, OF THE SPECIFIC CHARGE OR CHARGES MADE AGAINST HIM;

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- C) TO BE CONFRONTED WITH AND TO CROSS-EXAMINE THE

WITNESSES AGAINST HIM;

D) TO HAVE LEGAL REPRESENTATION OF HIS OWN CHOICE FOR HIS DEFENSE OR, AT HIS ELECTION, TO HAVE LEGAL REPRESENTATION APPOINTED BY THE COURT AT NO COST TO HIM UNDER THE SAME TERMS AND CONDITIONS APPLICABLE TO BAHRAINI CITIZENS;

E) TO BE PRESENT AT HIS TRIAL WHICH, CONSISTENT WITH PUBLIC ORDER OR MORALITY, SHALL BE PUBLIC;

F) TO HAVE THE BURDEN OF PROOF PLACED UPON THE PROSECUTION;

G) TO BE PROTECTED FROM THE USE OF CONFESSION OR OTHER EVIDENCE OBTAINED BY ILLEGAL OR IMPROPER MEANS;

H) NOT BE COMPELLED TO TESTIFY AGAINST OR OTHERWISE INCRIMINATE HIMSELF; AND

I) NOT TO BE SUBJECTED TO ANY CORPORAL PUNISHMENT.

THE STATE OF BAHRAIN WILL CHARGE MR. DAVID THOMAS ROBERTS WITH HAVING COMMITTED THE FOLLOWING OFFENSES:

A. CAUSING THE DEATH OF ANOTHER PERSON IN THE COURSE OF DOING A LAWFUL ACT IN AN UNLAWFUL MANNER - CONTRARY TO SECTION 181 OF THE BAHRAIN PENAL CODE 1955.

B. DRIVING A MOTOR VEHICLE IN SUCH A WAY AS TO BE DANGEROUS TO THE PUBLIC BEING A CASE WHERE FATAL INJURIES WERE CAUSED TO ANOTHER PERSON - CONTRARY TO SECTION 66 OF THE BAHRAIN TRAFFIC ORDINANCE 1955"

2. COPIES OF OUR NOTE AND GOB'S REPLY, PHRASED TO CONSTITUTE AGREEMENT, BEING POUCED TO STATE/NEA/ARP FOR APPROPRIATE WASHINGTON DISTRIBUTION.

3.

ACCORDANCE WITH INSTRUCTIONS STATE REFTEL IT IS NOW AGREED GOB HAS JURISDICTION IN ROBERTS CASE. COMIDEASTFOR WILL FOLLOW AND REPORT AS APPROPRIATE RESULTS OF PROCEEDINGS.

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